

Exhibit B

Clean Version of Pending Claims

2. (Thrice Amended) The bandwidth allocation manager of claim 27, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

3. (Thrice Amended) The bandwidth allocation manager of claim 27, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content are transmitted at time-spaced intervals of varying length.

4. (Thrice Amended) The bandwidth allocation manager of claim 27, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

5. (Twice Amended) The bandwidth allocation manager of claim 27, wherein the allocation criteria received from the subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

6. (Thrice Amended) The bandwidth allocation manager of claim 27, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine an adjusted bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight determines the priority given to each allocation criteria.

Cancel Claim 8 without prejudice or disclaimer.

9. (Thrice Amended) The bandwidth allocation system of claim 28, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

10. (Thrice Amended) The bandwidth allocation system of claim 28, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

11. (Twice Amended) The bandwidth allocation system of claim 28, wherein the allocation criteria received from a subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

12. (Thrice Amended) The bandwidth allocation system of claim 28, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation and wherein the assigned weight determines the priority given to each allocation criteria.

13. (Thrice Amended) The bandwidth allocation system of claim 28, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content at time-spaced intervals of varying length.

Cancel Claim 14 without prejudice or disclaimer.

15. (Once Amended) The digital home communication terminal of claim 29, further comprising a tuner that receives channel allocation information from the bandwidth allocation manager and processes the information into a format suitable for presentation to a subscriber.

Cancel Claims 21-26 without prejudice or disclaimer.

27. (Once Amended) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager dynamically assigns at least two different content delivery modes to a plurality of digital

transmission channels based at least partially on a subscriber reservation request comprising a date and time that the subscriber wishes to reserve for viewing a program in the future, a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled.

28. (Once Amended) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system based at least partially on a subscriber reservation request, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

29. (Once Amended) A digital home communication terminal for use in a digital broadband delivery system containing a bandwidth allocation manager comprising:

an interface that receives a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system.

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